

REMARKS

Claims 1-25 are pending in this application. By this Amendment, claims 1, 5-9, 13-17, 18 and 22-24 are amended. Support for amended claims 1, 9 and 17 can be found, for example, on paragraph [0004] and FIG. 1 in the originally filed disclosure. No new matter is added.

Claim Rejections - 35 U.S.C. §112

Claims 5-8, 13-16, 18 and 22-25 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended claims 5-8, 13-16, 18 and 22-25 to obviate the rejections. Withdrawal of the rejections is respectfully requested.

Claim Rejections - 35 U.S.C. §102

Claims 1-8, 17 and 19-23 were rejected under 35 U.S.C. §102(e) as being anticipated by Elliot et al., U.S. Patent No. 6,587,470 ("Elliot"). These rejections are respectfully traversed.

Claims 1 and 17 include the feature of a digital cross-connect that is interposed between a physical layer interface and one or more higher-layer processors (FIG. 1). In contrast, Elliot appears to disclose a centralized, non-blocking cross-connect 120 that is located in a SONET plane 100 (see FIG. 1 of

Elliot). The cross-connect 120 is not interposed between the SONET plane 100 and a data plane 110.

Because Elliot fails to disclose each and every feature of the claimed invention, it cannot anticipate claims 1 and 17. Accordingly, withdrawal of the pending rejections and allowance of claims 1-8, 17 and 19-23 is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 9-16, 18 and 24-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Elliot. Applicants disagree and traverse these rejections for at least the following reasons.

Initially, Applicants note that claims 9 and 18 (via claim 17) also include a digital cross-connect interposed between a physical layer interface and one or more telecommunications higher-layer processors and is therefore patentable over Elliot for the reasons set forth above with respect to claims 1-8, 17 and 19-23.

Further, claims 9 and 18 include a packet switch fabric operable to switch telecommunications traffic, received at one (or more) physical layer interfaces, to at least one other physical layer interface.

The Examiner asserts that "it would have been obvious for one of ordinary skill in the art at the time of the invention to provide a packet switch to provide inter-connectivity between a plurality of cross-connect systems,

and/or between the cross connect system and other network switching/gating elements to provide a fully functional network system upon reading the disclosure in Elliot.” Applicants disagree.

Elliot does not disclose a packet switch fabric operable to switch traffic received at one or more physical layer interfaces to at least one other of the physical layer interfaces. Instead, Elliot discloses switching communications traffic between a SONET plane (physical layer interface) and a data plane which is not an interface (nor would one of ordinary skill in the art equate a data plane with a physical layer interface).

For at least these reasons, Applicants respectfully submit that Elliot fails to disclose or render obvious the features recited in independent claims 1, 9 and 17. Claims 10-16 and 24-25, which depend from claims 9 and 18, are likewise distinguished over the applied art for at least the reasons discussed, as well as for the additional features they recite. Reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

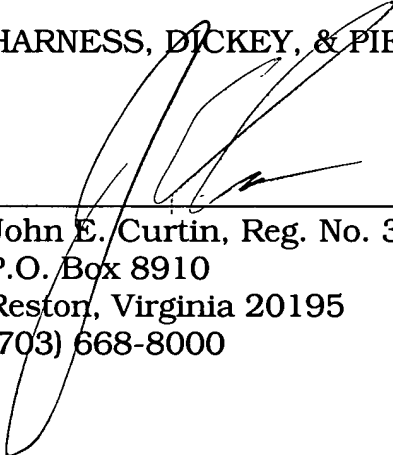
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC/DJC:psy